

SENATE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 320

AN ACT

To repeal sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, and 213.101, RSMo, and to enact in lieu thereof nine new sections relating to unlawful discriminatory practices.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 213.010, 213.030, 213.040, 213.045,
2 213.050, 213.055, 213.065, 213.070, and 213.101, RSMo, are
3 repealed and nine new sections enacted in lieu thereof, to be
4 known as sections 213.010, 213.030, 213.040, 213.045, 213.050,
5 213.055, 213.065, 213.070, and 213.101, to read as follows:

6 213.010. As used in this chapter, the following terms shall
7 mean:

8 (1) "Age", an age of forty or more years but less than
9 seventy years, except that it shall not be an unlawful employment
10 practice for an employer to require the compulsory retirement of
11 any person who has attained the age of sixty-five and who, for
12 the two-year period immediately before retirement, is employed in
13 a bona fide executive or high policy-making position, if such
14 person is entitled to an immediate nonforfeitable annual
15 retirement benefit from a pension, profit sharing, savings or
16 deferred compensation plan, or any combination of such plans, of

1 the employer, which equals, in the aggregate, at least forty-four
2 thousand dollars;

3 (2) "Because" or "because of", as it relates to an unlawful
4 employment or discriminatory practice, shall mean a protected
5 criterion played a part, or played a role, or was a motivating
6 factor in the defendant's unlawful employment or discriminatory
7 practice, but need not have been the only factor in, or reason
8 for, such practice. This definition shall not apply to a claim
9 that defendant's otherwise neutral policy or practice has a
10 disparate adverse impact on a protected individual or group of
11 individuals;

12 (3) "Commission", the Missouri commission on human rights;

13 [(3)] (4) "Complainant", a person who has filed a complaint
14 with the commission alleging that another person has engaged in a
15 prohibited discriminatory practice;

16 [(4)] (5) "Disability", a physical or mental impairment
17 which substantially limits one or more of a person's major life
18 activities, being regarded as having such an impairment, or a
19 record of having such an impairment, which with or without
20 reasonable accommodation does not interfere with performing the
21 job, utilizing the place of public accommodation, or occupying
22 the dwelling in question. For purposes of this chapter, the term
23 "disability" does not include current, illegal use of or
24 addiction to a controlled substance as such term is defined by
25 section 195.010; however, a person may be considered to have a
26 disability if that person:

27 (a) Has successfully completed a supervised drug
28 rehabilitation program and is no longer engaging in the illegal

1 use of, and is not currently addicted to, a controlled substance
2 or has otherwise been rehabilitated successfully and is no longer
3 engaging in such use and is not currently addicted;

4 (b) Is participating in a supervised rehabilitation program
5 and is no longer engaging in illegal use of controlled
6 substances; or

7 (c) Is erroneously regarded as currently illegally using,
8 or being addicted to, a controlled substance;

9 [(5)] (6) "Discrimination", any unfair treatment based on
10 race, color, religion, national origin, ancestry, sex, sexual
11 orientation, gender identity, age as it relates to employment,
12 disability, or familial status as it relates to housing.
13 Discrimination includes any unfair treatment based on a person's
14 presumed or assumed race, color, religion, national origin,
15 ancestry, sex, sexual orientation, gender identity, age as it
16 relates to employment, disability, or familial status as it
17 relates to housing, whether or not the presumption or assumption
18 as to such characteristics is correct;

19 [(6)] (7) "Dwelling", any building, structure or portion
20 thereof which is occupied as, or designed or intended for
21 occupancy as, a residence by one or more families, and any vacant
22 land which is offered for sale or lease for the construction or
23 location thereon of any such building, structure or portion
24 thereof;

25 [(7)] (8) "Employer" [includes], a person engaged in an
26 industry affecting commerce who has six or more employees for
27 each working day in each of the twenty or more calendar weeks in
28 a current or preceding calendar year, and shall include the

1 state, or any political or civil subdivision thereof, or [any
2 person employing six or more persons within the state, and] any
3 person directly acting in the interest of an employer, but does
4 not include corporations and associations owned and operated by
5 religious or sectarian groups;

6 [(8)] (9) "Employment agency" includes any person or
7 agency, public or private, regularly undertaking with or without
8 compensation to procure employees for an employer or to procure
9 for employees opportunities to work for an employer and includes
10 any person acting in the interest of such a person;

11 [(9)] (10) "Executive director", the executive director of
12 the Missouri commission on human rights;

13 [(10)] (11) "Familial status", one or more individuals who
14 have not attained the age of eighteen years being domiciled with:

15 (a) A parent or another person having legal custody of such
16 individual; or

17 (b) The designee of such parent or other person having such
18 custody, with the written permission of such parent or other
19 person. The protections afforded against discrimination on the
20 basis of familial status shall apply to any person who is
21 pregnant or is in the process of securing legal custody of any
22 individual who has not attained the age of eighteen years;

23 (12) "Gender identity", the gender-related identity,
24 appearance, or mannerisms, or other gender-related
25 characteristics of an individual, with or without regard to the
26 individual's designed sex at birth;

27 [(11)] (13) "Human rights fund", a fund established to
28 receive civil penalties as required by federal regulations and as

1 set forth by subdivision (2) of subsection 11 of section 213.075,
2 and which will be disbursed to offset additional expenses related
3 to compliance with the Department of Housing and Urban
4 Development regulations;

5 [(12)] (14) "Labor organization" includes any organization
6 which exists for the purpose, in whole or in part, of collective
7 bargaining or of dealing with employers concerning grievances,
8 terms or conditions of employment, or for other mutual aid or
9 protection in relation to employment;

10 [(13)] (15) "Local commissions", any commission or agency
11 established prior to August 13, 1986, by an ordinance or order
12 adopted by the governing body of any city, constitutional charter
13 city, town, village, or county;

14 [(14)] (16) "Person" includes one or more individuals,
15 corporations, partnerships, associations, organizations, labor
16 organizations, legal representatives, mutual companies, joint
17 stock companies, trusts, trustees, trustees in bankruptcy,
18 receivers, fiduciaries, or other organized groups of persons;

19 [(15)] (17) "Places of public accommodation", all places or
20 businesses offering or holding out to the general public, goods,
21 services, privileges, facilities, advantages or accommodations
22 for the peace, comfort, health, welfare and safety of the general
23 public or such public places providing food, shelter, recreation
24 and amusement, including, but not limited to:

25 (a) Any inn, hotel, motel, or other establishment which
26 provides lodging to transient guests, other than an establishment
27 located within a building which contains not more than five rooms
28 for rent or hire and which is actually occupied by the proprietor

1 of such establishment as [his] the proprietor's residence;

2 (b) Any restaurant, cafeteria, lunchroom, lunch counter,
3 soda fountain, or other facility principally engaged in selling
4 food for consumption on the premises, including, but not limited
5 to, any such facility located on the premises of any retail
6 establishment;

7 (c) Any gasoline station, including all facilities located
8 on the premises of such gasoline station and made available to
9 the patrons thereof;

10 (d) Any motion picture house, theater, concert hall, sports
11 arena, stadium, or other place of exhibition or entertainment;

12 (e) Any public facility owned, operated, or managed by or
13 on behalf of this state or any agency or subdivision thereof, or
14 any public corporation; and any such facility supported in whole
15 or in part by public funds;

16 (f) Any establishment which is physically located within
17 the premises of any establishment otherwise covered by this
18 section or within the premises of which is physically located any
19 such covered establishment, and which holds itself out as serving
20 patrons of such covered establishment;

21 [(16)] (18) "Rent" includes to lease, to sublease, to let
22 and otherwise to grant for consideration the right to occupy
23 premises not owned by the occupant;

24 [(17)] (19) "Respondent", a person who is alleged to have
25 engaged in a prohibited discriminatory practice in a complaint
26 filed with the commission;

27 (20) "Sexual orientation", male or female heterosexuality,
28 homosexuality, or bisexuality by inclination, practice, identity,

1 or expression;

2 [(18)] (21) "Unlawful discriminatory practice", any act
3 that is unlawful under this chapter.

4 213.030. 1. The powers and duties of the commission shall
5 be:

6 (1) To seek to eliminate and prevent discrimination because
7 of race, color, religion, national origin, ancestry, sex, sexual
8 orientation, gender identity, age as it relates to employment,
9 disability, or familial status as it relates to housing and to
10 take other actions against discrimination because of race, color,
11 religion, national origin, ancestry, sex, sexual orientation,
12 gender identity, age, disability, or familial status as provided
13 by law; and the commission is hereby given general jurisdiction
14 and power for such purposes;

15 (2) To implement the purposes of this chapter first by
16 conference, conciliation and persuasion so that persons may be
17 guaranteed their civil rights and goodwill be fostered;

18 (3) To formulate policies to implement the purposes of this
19 chapter and to make recommendations to agencies and officers of
20 the state and political subdivisions in aid of such policies and
21 purposes;

22 (4) To appoint such employees as it may deem necessary, fix
23 their compensation within the appropriations provided and in
24 accordance with the wage structure established for other state
25 agencies, and prescribe their duties;

26 (5) To obtain upon request and utilize the services of all
27 governmental departments and agencies to be paid from
28 appropriations to this commission;

1 (6) To adopt, promulgate, amend, and rescind suitable rules
2 and regulations to carry out the provisions of this chapter and
3 the policies and practices of the commission in connection
4 therewith;

5 (7) To receive, investigate, initiate, and pass upon
6 complaints alleging discrimination in employment, housing or in
7 places of public accommodations because of race, color, religion,
8 national origin, ancestry, sex, sexual orientation, gender
9 identity, age as it relates to employment, disability, or
10 familial status as it relates to housing and to require the
11 production for examination of any books, papers, records, or
12 other materials relating to any matter under investigation;

13 (8) To hold hearings, subpoena witnesses, compel their
14 attendance, administer oaths, to take the testimony of any person
15 under oath, and, in connection therewith, to require the
16 production for examination of any books, papers or other
17 materials relating to any matter under investigation or in
18 question before the commission;

19 (9) To issue publications and the results of studies and
20 research which will tend to promote goodwill and minimize or
21 eliminate discrimination in housing, employment or in places of
22 public accommodation because of race, color, religion, national
23 origin, ancestry, sex, sexual orientation, gender identity, age
24 as it relates to employment, disability, or familial status as it
25 relates to housing;

26 (10) To provide each year to the governor and to the
27 general assembly a full written report of all its activities and
28 of its recommendations;

1 (11) To adopt an official seal;

2 (12) To cooperate, act jointly, enter into cooperative or
3 work-sharing agreements with the United States Equal Employment
4 Opportunity Commission, the United States Department of Housing
5 and Urban Development, and other federal agencies and local
6 commissions or agencies to achieve the purposes of this chapter;

7 (13) To accept grants, private gifts, bequests, and
8 establish funds to dispose of such moneys so long as the
9 conditions of the grant, gift, or bequest are not inconsistent
10 with the purposes of this chapter and are used to achieve the
11 purposes of this chapter;

12 (14) To establish a human rights fund as defined in section
13 213.010, for the purposes of administering sections 213.040,
14 213.045, 213.050, 213.070, 213.075, and 213.076.

15 2. No rule or portion of a rule promulgated under the
16 authority of this chapter shall become effective unless it has
17 been promulgated pursuant to the provisions of [section 536.024]
18 chapter 536.

19 213.040. 1. It shall be an unlawful housing practice:

20 (1) To refuse to sell or rent after the making of a bona
21 fide offer, to refuse to negotiate for the sale or rental of, to
22 deny or otherwise make unavailable, a dwelling to any person
23 because of race, color, religion, national origin, ancestry, sex,
24 sexual orientation, gender identity, disability, or familial
25 status;

26 (2) To discriminate against any person in the terms,
27 conditions, or privileges of sale or rental of a dwelling, or in
28 the provision of services or facilities in connection therewith,

1 because of race, color, religion, national origin, ancestry, sex,
2 sexual orientation, gender identity, disability, or familial
3 status;

4 (3) To make, print, or publish, or cause to be made,
5 printed, or published any notice, statement or advertisement,
6 with respect to the sale or rental of a dwelling that indicates
7 any preference, limitation, or discrimination based on race,
8 color, religion, national origin, ancestry, sex, sexual
9 orientation, gender identity, disability, or familial status, or
10 an intention to make any such preference, limitation, or
11 discrimination;

12 (4) To represent to any person because of race, color,
13 religion, national origin, ancestry, sex, sexual orientation,
14 gender identity, disability, or familial status that any dwelling
15 is not available for inspection, sale, or rental when such
16 dwelling is in fact so available;

17 (5) To induce or attempt to induce any person to sell or
18 rent any dwelling by representations regarding the entry or
19 prospective entry into the neighborhood of a person or persons of
20 a particular race, color, religion, national origin, ancestry,
21 sex, disability, or familial status;

22 (6) To discriminate in the sale or rental of, or to
23 otherwise make unavailable or deny, a dwelling to any buyer or
24 renter because of a disability of:

25 (a) That buyer or renter;

26 (b) A person residing in or intending to reside in that
27 dwelling after it is so sold, rented, or made available; or

28 (c) Any person associated with that buyer or renter;

1 (7) To discriminate against any person in the terms,
2 conditions, or privileges of sale or rental of a dwelling, or in
3 the provision of services or facilities in connection with such
4 dwelling, because of a disability of:

5 (a) That person;

6 (b) A person residing in or intending to reside in that
7 dwelling after it is so sold, rented, or made available; or

8 (c) Any person associated with that person.

9 2. For purposes of this section and sections 213.045 and
10 213.050, discrimination includes:

11 (1) A refusal to permit, at the expense of the person with
12 the disability, reasonable modifications of existing premises
13 occupied or to be occupied by such person if such modifications
14 may be necessary to afford such person full enjoyment of the
15 premises, except that, in the case of a rental, the landlord may,
16 where it is reasonable to do so, condition permission for a
17 modification on the renter's agreeing to restore the interior of
18 the premises to the condition that existed before the
19 modification, reasonable wear and tear excepted;

20 (2) A refusal to make reasonable accommodations in rules,
21 policies, practices, or services, when such accommodations may be
22 necessary to afford such person equal opportunity to use and
23 enjoy a dwelling; or

24 (3) In connection with the design and construction of
25 covered multifamily dwellings for first occupancy after March 13,
26 1991, a failure to design and construct those dwellings in such a
27 manner that:

28 (a) The public use and common use portions of such

1 dwellings are readily accessible to and usable by persons with a
2 disability;

3 (b) All the doors designed to allow passage into and within
4 all premises within such dwellings are sufficiently wide to allow
5 passage by persons with a disability in wheelchairs; and

6 (c) All premises within such dwellings contain the
7 following features of adaptive design:

8 a. An accessible route into and through the dwelling;

9 b. Light switches, electrical outlets, thermostats, and
10 other environmental controls in accessible locations;

11 c. Reinforcements in bathroom walls to allow later
12 installation of grab bars; and

13 d. Usable kitchens and bathrooms such that an individual in
14 a wheelchair can maneuver about the space.

15 3. As used in subdivision (3) of subsection 2 of this
16 section, the term "covered multifamily dwelling" means:

17 (1) Buildings consisting of four or more units if such
18 buildings have one or more elevators; and

19 (2) Ground floor units in other buildings consisting of
20 four or more units.

21 4. Compliance with the appropriate requirements of the
22 American National Standard for Buildings and Facilities providing
23 accessibility and usability for people with physical
24 disabilities, commonly cited as "ANSI A117.1", suffices to
25 satisfy the requirements of paragraph (a) of subdivision (3) of
26 subsection 2 of this section.

27 5. Where a unit of general local government has
28 incorporated into its laws the requirements set forth in

1 subdivision (3) of subsection 2 of this section, compliance with
2 such laws shall be deemed to satisfy the requirements of that
3 subdivision. Such compliance shall be subject to the following
4 provisions:

5 (1) A unit of general local government may review and
6 approve newly constructed covered multifamily dwellings for the
7 purpose of making determinations as to whether the design and
8 construction requirements of subdivision (3) of subsection 2 of
9 this section are met;

10 (2) The commission shall encourage, but may not require,
11 the units of local government to include in their existing
12 procedures for the review and approval of newly constructed
13 covered multifamily dwellings, determinations as to whether the
14 design and construction of such dwellings are consistent with
15 subdivision (3) of subsection 2 of this section, and shall
16 provide technical assistance to units of local government and
17 other persons to implement the requirements of subdivision (3) of
18 subsection 2 of this section;

19 (3) Nothing in this chapter shall be construed to require
20 the commission to review or approve the plans, designs or
21 construction of all covered dwellings, to determine whether the
22 design and construction of such dwellings are consistent with the
23 requirements of subdivision (3) of subsection 2 of this section.

24 6. Nothing in this chapter shall be construed to invalidate
25 or limit any law of the state or political subdivision of the
26 state, or other jurisdiction in which this chapter shall be
27 effective, that requires dwellings to be designed and constructed
28 in a manner that affords persons with disabilities greater access

1 than is required by this chapter.

2 7. Nothing in this section and sections 213.045 and 213.050
3 requires that a dwelling be made available to an individual whose
4 tenancy would constitute a direct threat to the health or safety
5 of other individuals or whose tenancy would result in substantial
6 physical damage to the property of others.

7 8. Nothing in this section and sections 213.045 and 213.050
8 limits the applicability of any reasonable local or state
9 restriction regarding the maximum number of occupants permitted
10 to occupy a dwelling, nor does any provision in this section and
11 sections 213.045 and 213.050 regarding familial status apply with
12 respect to housing for older persons.

13 9. As used in this section and sections 213.045 and
14 213.050, "housing for older persons" means housing:

15 (1) Provided under any state or federal program that the
16 commission determines is specifically designed and operated to
17 assist elderly persons, as defined in the state or federal
18 program;

19 (2) Intended for, and solely occupied by, persons sixty-two
20 years of age or older; or

21 (3) Intended and operated for occupancy by at least one
22 person fifty-five years of age or older per unit. In determining
23 whether housing qualifies as housing for older persons under this
24 subsection, the commission shall develop regulations which
25 require at least the following factors:

26 (a) The existence of significant facilities and services
27 specifically designed to meet the physical or social needs of
28 older persons, or if the provision of such facilities and

1 services is not practicable, that such housing is necessary to
2 provide important housing opportunities for older persons; and

3 (b) That at least eighty percent of the units are occupied
4 by at least one person fifty-five years of age or older per unit;
5 and

6 (c) The publication of, and adherence to, policies and
7 procedures which demonstrate an intent by the owner or manager to
8 provide housing for persons fifty-five years of age or older.

9 10. Housing shall not fail to meet the requirements for
10 housing for older persons by reason of:

11 (1) Persons residing in such housing as of August 28, 1992,
12 who do not meet the age requirements of subdivision (2) or (3) of
13 subsection 9 of this section, provided that new occupants of such
14 housing meet the age requirements of subdivision (2) or (3) of
15 subsection 9 of this section; or

16 (2) Unoccupied units, provided that such units are reserved
17 for occupancy by persons who meet the age requirements of
18 subdivision (2) or (3) of subsection 9 of this section.

19 11. Nothing in this section or section 213.045 or 213.050
20 shall prohibit conduct against a person because such person has
21 been convicted by any court of competent jurisdiction of the
22 illegal manufacture or distribution of a controlled substance, as
23 defined by section 195.010.

24 12. Nothing in this chapter shall prohibit a religious
25 organization, association, or society, or any nonprofit
26 institution or organization operated, supervised or controlled by
27 or in conjunction with a religious organization, association, or
28 society, from limiting the sale, rental or occupancy of dwellings

1 which it owns or operates for other than a commercial purpose to
2 persons of the same religion, or from giving preference to such
3 persons, unless membership in such religion is restricted on
4 account of race, color, or national origin. Nor shall anything
5 in this chapter prohibit a private club not in fact open to the
6 public, which as an incident to its primary purpose or purposes
7 provides lodging which it owns or operates for other than a
8 commercial purpose, from limiting the rental or occupancy of such
9 lodging to its members or from giving preference to its members.

10 13. Nothing in this chapter, other than the prohibitions
11 against discriminatory advertising in subdivision (3) of
12 subsection 1 of this section, shall apply to:

13 (1) The sale or rental of any single family house by a
14 private individual owner, provided the following conditions are
15 met:

16 (a) The private individual owner does not own or have any
17 interest in more than three single family houses at any one time;
18 and

19 (b) The house is sold or rented without the use of a real
20 estate broker, agent or salesperson or the facilities of any
21 person in the business of selling or renting dwellings and
22 without publication, posting or mailing of any advertisement. If
23 the owner selling the house does not reside in it at the time of
24 the sale or was not the most recent resident of the house prior
25 to such sale, the exemption in this section applies to only one
26 such sale in any twenty-four-month period; or

27 (2) Rooms or units in dwellings containing living quarters
28 occupied or intended to be occupied by no more than four families

1 living independently of each other, if the owner actually
2 maintains and occupies one of such living quarters as his or her
3 residence.

4 213.045. It shall be unlawful for any bank, building and
5 loan association, insurance company or other corporation,
6 association, firm or enterprise whose business consists in whole
7 or in part in the making of commercial real estate loans, to deny
8 a loan or other financial assistance because of race, color,
9 religion, national origin, ancestry, sex, sexual orientation,
10 gender identity, disability or familial status to a person
11 applying therefor for the purpose of purchasing, construction,
12 improving, repairing, or maintaining a dwelling, or to
13 discriminate against [him] such person in fixing of the amount,
14 interest rate, duration or other terms or conditions of such loan
15 or other financial assistance, because of the race, color,
16 religion, national origin, ancestry, sex, sexual orientation,
17 gender identity, disability, or familial status of such person or
18 of any person associated with [him] such person in connection
19 with such loan or other financial assistance, or of the present
20 or prospective owners, lessees, tenants, or occupants, of the
21 dwellings in relation to which such loan or other financial
22 assistance is to be made or given.

23 213.050. It shall be unlawful to deny any person access to
24 or membership or participation in any multiple listing service,
25 real estate brokers' organization or other service organization,
26 or facility relating to the business of selling or renting
27 dwellings, on account of race, color, religion, national origin,
28 ancestry, sex, sexual orientation, gender identity, disability,

1 or familial status.

2 213.055. 1. It shall be an unlawful employment practice:

3 (1) For an employer, because of the race, color, religion,
4 national origin, sex, sexual orientation, gender identity,
5 ancestry, age or disability of any individual:

6 (a) To fail or refuse to hire or to discharge any
7 individual, or otherwise to discriminate against any individual
8 with respect to his or her compensation, terms, conditions, or
9 privileges of employment, because of such individual's race,
10 color, religion, national origin, sex, sexual orientation, gender
11 identity, ancestry, age or disability;

12 (b) To limit, segregate, or classify [his] such person's
13 employees or [his] such person's employment applicants in any way
14 which would deprive or tend to deprive any individual of
15 employment opportunities or otherwise adversely affect [his] such
16 person's status as an employee, because of such individual's
17 race, color, religion, national origin, sex, sexual orientation,
18 gender identity, ancestry, age or disability;

19 (2) For a labor organization to exclude or to expel from
20 its membership any individual or to discriminate in any way
21 against any of its members or against any employer or any
22 individual employed by an employer because of race, color,
23 religion, national origin, sex, sexual orientation, gender
24 identity, ancestry, age or disability of any individual; or to
25 limit, segregate, or classify its membership, or to classify or
26 fail or refuse to refer for employment any individual, in any way
27 which would deprive or tend to deprive any individual of
28 employment opportunities, or would limit such employment

1 opportunities or otherwise adversely affect [his] such
2 individual's status as an employee or as an applicant for
3 employment, because of such individual's race, color, religion,
4 national origin, sex, sexual orientation, gender identity,
5 ancestry, age or disability; or for any employer, labor
6 organization, or joint labor-management committee controlling
7 apprenticeship or other training or retraining, including
8 on-the-job training programs to discriminate against any
9 individual because of [his] such individual's race, color,
10 religion, national origin, sex, sexual orientation, gender
11 identity, ancestry, age or disability in admission to, or
12 employment in, any program established to provide apprenticeship
13 or other training;

14 (3) For any employer or employment agency to print or
15 circulate or cause to be printed or circulated any statement,
16 advertisement or publication, or to use any form of application
17 for employment or to make any inquiry in connection with
18 prospective employment, which expresses, directly or indirectly,
19 any limitation, specification, or discrimination, because of
20 race, color, religion, national origin, sex, sexual orientation,
21 gender identity, ancestry, age or disability unless based upon a
22 bona fide occupational qualification or for an employment agency
23 to fail or refuse to refer for employment, or otherwise to
24 discriminate against, any individual because of [his] such
25 individual's race, color, religion, national origin, sex, sexual
26 orientation, gender identity, ancestry, age as it relates to
27 employment, or disability, or to classify or refer for employment
28 any individual on the basis of his race, color, religion,

1 national origin, sex, sexual orientation, gender identity,
2 ancestry, age or disability.

3 2. Notwithstanding any other provision of this chapter, it
4 shall not be an unlawful employment practice for an employer to
5 apply different standards of compensation, or different terms,
6 conditions or privileges of employment pursuant to a bona fide
7 seniority or merit system, or a system which measures earnings by
8 quantity or quality of production or to employees who work in
9 different locations, provided that such differences or such
10 systems are not the result of an intention or a design to
11 discriminate, and are not used to discriminate, because of race,
12 color, religion, sex, sexual orientation, gender identity,
13 national origin, ancestry, age or disability, nor shall it be an
14 unlawful employment practice for an employer to give and to act
15 upon the results of any professionally developed ability test,
16 provided that such test, its administration, or action upon the
17 results thereof, is not designed, intended or used to
18 discriminate because of race, color, religion, national origin,
19 sex, sexual orientation, gender identity, ancestry, age or
20 disability.

21 3. Nothing contained in this chapter shall be interpreted
22 to require any employer, employment agency, labor organization,
23 or joint labor-management committee subject to this chapter to
24 grant preferential treatment to any individual or to any group
25 because of the race, color, religion, national origin, sex,
26 sexual orientation, gender identity, ancestry, age or disability
27 of such individual or group on account of an imbalance which may
28 exist with respect to the total number or percentage of persons

1 of any race, color, religion, national origin, sex, sexual
2 orientation, gender identity, ancestry, age or disability
3 employed by any employer, referred or classified for employment
4 by any employment agency or labor organization, admitted to
5 membership or classified by any labor organization, or admitted
6 to or employed in any apprenticeship or other training program,
7 in comparison with the total number or percentage of persons of
8 such race, color, religion, national origin, sex, sexual
9 orientation, gender identity, ancestry, age or disability in any
10 community, state, section, or other area, or in the available
11 workforce in any community, state, section, or other area.

12 4. Notwithstanding any other provision of this chapter, it
13 shall not be an unlawful employment practice for the state or any
14 political subdivision of the state to comply with the provisions
15 of 29 U.S.C. 623 relating to employment as firefighters or law
16 enforcement officers.

17 213.065. 1. All persons within the jurisdiction of the
18 state of Missouri are free and equal and shall be entitled to the
19 full and equal use and enjoyment within this state of any place
20 of public accommodation, as hereinafter defined, without
21 discrimination or segregation on the grounds of race, color,
22 religion, national origin, sex, sexual orientation, gender
23 identity, ancestry, or disability.

24 2. It is an unlawful discriminatory practice for any
25 person, directly or indirectly, to refuse, withhold from or deny
26 any other person, or to attempt to refuse, withhold from or deny
27 any other person, any of the accommodations, advantages,
28 facilities, services, or privileges made available in any place

1 of public accommodation, as defined in section 213.010 and this
2 section, or to segregate or discriminate against any such person
3 in the use thereof on the grounds of race, color, religion,
4 national origin, sex, sexual orientation, gender identity,
5 ancestry, or disability.

6 3. The provisions of this section shall not apply to a
7 private club, a place of accommodation owned by or operated on
8 behalf of a religious corporation, association or society, or
9 other establishment which is not in fact open to the public,
10 unless the facilities of such establishments are made available
11 to the customers or patrons of a place of public accommodation as
12 defined in section 213.010 and this section.

13 213.070. It shall be an unlawful discriminatory practice:

14 (1) To aid, abet, incite, compel, or coerce the commission
15 of acts prohibited under this chapter or to attempt to do so;

16 (2) To retaliate or discriminate in any manner against any
17 other person because such person has opposed any practice
18 prohibited by this chapter or because such person has filed a
19 complaint, testified, assisted, or participated in any manner in
20 any investigation, proceeding or hearing conducted pursuant to
21 this chapter;

22 (3) For the state or any political subdivision of this
23 state to discriminate on the basis of race, color, religion,
24 national origin, sex, sexual orientation, gender identity,
25 ancestry, age, as it relates to employment, disability, or
26 familial status as it relates to housing; or

27 (4) To discriminate in any manner against any other person
28 because of such person's association with any person protected by

1 this chapter.

2 213.101. The provisions of this chapter shall be construed
3 to accomplish the purposes thereof and any law inconsistent with
4 any provision of this chapter shall not apply. Nothing contained
5 in this chapter shall be deemed to repeal any of the provisions
6 of any law of this state relating to the discrimination because
7 of race, color, religion, national origin, sex, sexual
8 orientation, gender identity, ancestry, age, disability, or
9 familial status.